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ISSUE PAPER: YOUTH GANG ORGANIZATIONS IN EL SALVADOR

This issue paper was drafted by the Department of State's Office of Asia and Western Hemisphere Affairs in the Bureau of Democracy, Human Rights and Labor for use by the Executive Office of Immigration Review and the Department of Homeland Security in assessing asylum claims. It is intended to provide a convenient, updated summary regarding gang organizations in El Salvador. Under 8 C.F.R. §§ 208.11 and 1208.11, the Department of State may provide information on country conditions that may be pertinent to the adjudication of asylum claims. The purpose of this issue paper is to provide information relating to such conditions; it is not intended to convey a description of all of the circumstances from which legitimate asylum claims may arise.

Profiles and issue papers are prepared by State Department officers with expertise in the relevant area and are circulated for comment within the Department, including to overseas missions, and to other agencies if appropriate. Adjudicators may also wish to review the applicable chapter of the Department of State's annual Country Reports on Human Rights Practices on line at: <http://www.state.gov/g/drl/rls/hrrpt/> and other publicly available material on conditions in this country.

Overview

El Salvador, with approximately 6.9 million inhabitants, is a constitutional democracy. Nearly 60% of its people reside in urban areas, and an estimated 35% of the population lives below the poverty level. There is a substantial disparity in income distribution, with the poorest 20% of the population accessing only about 2.4% of the national income. This situation is exacerbated by lack of employment and few educational opportunities available to large segments of the citizenry, particularly for the approximately 36.3% of the population under 15 years of age. There is a 0.7% adult prevalence rate of HIV/AIDS in El Salvador with an estimated 29,000 persons living with the disease.

Over the past decade, criminal gang organizations have emerged as a serious and pervasive socio-economic challenge to the security, stability and welfare of El Salvador and other nations of Central America. This problem is not confined to El Salvador and its immediate neighbors, but has evolved into a transnational phenomenon impacting

regional law enforcement and security concerns for Mexico, the United States and other countries. Although it is difficult to maintain accurate figures, at present it is estimated that there are between 100,000 and 200,000 gang members throughout Central America, with the largest numbers in El Salvador, Guatemala and Honduras.

The two most widely known Central American gang organizations, called "maras" (derived from the name for a Central American army unit) in Spanish, are "Mara Salvatrucha ("MS-13")" and "Mara 18" (18th Street Gang or M-18), but there are many smaller affiliated and independent gang groups operating throughout the region. El Salvador is a country that was plagued by military regimes, coups, political violence, and instability until the 1990s. In the wake of such violence many poor and undereducated Salvadorans migrated to the United States seeking economic opportunities. A large number of these migrants, many of whom were undocumented aliens, settled in poor and crime-ridden areas of Los Angeles. It appears that maras were formed initially to protect Salvadoran immigrant youth in the USA from already established Mexican and African American gangs. They later expanded their numbers rapidly and perpetrated violent criminal acts, including armed robbery, assault, rape, and murder. In the early 1990s, U.S. authorities realized the serious nature of such gangs and began deporting them to their countries of origin. Today, mara membership is not confined to Salvadorans living in the United States or in El Salvador. A significant percentage of "mareros" (as mara members are referred to in Spanish) are from other Central American countries, principally Honduras and Guatemala.

In El Salvador, where there are approximately 39,000 gang members divided among Mara Salvatrucha, MS-18 and smaller groups, gangs are deemed to be responsible for approximately 27% of crimes committed and 40% of homicides. However, some credible sources suggest that only about 10,000 to 15,000 gang members are actively participating in criminal activities; these numerical differences may be rooted in how one defines a gang member. Mara membership in El Salvador is predominantly, but not exclusively made up of males.

The following conditions have facilitated the growth and spread of maras in El Salvador: widespread poverty; social, economic, and political marginalization of large segments of the population; lack of respect for the rule of law; judicial impunity; cultural norms permissive of domestic violence; and a virtually uncontrolled proliferation of guns and other weapons. Large scale migrations of rural populations to urban areas and to the U.S. have also contributed to the breakdown of traditional family values and structures. The combined impact of these factors has fueled youth crime, substance abuse, and recruitment into gangs. Poverty is only one of the circumstances fueling the gang problem in Central America. Field research indicates that the following conditions also play an important role in rendering gang membership attractive: the need for establishing an identity and finding a social structure, accessibility to drugs, alcohol and sexual partners, domestic abuse and family disintegration, inadequate employment and educational opportunities, and the lack of constructive community activities in urban areas.

While poverty and the above circumstances explain much of the gang membership growth in El Salvador, poverty does not account for gang membership in every instance. Gangs also include individuals from economically well-off families. Contrary to allegations that gang members force persons to join gangs, the determining factor for whether an individual joins a gang appears to relate to the person's degree of personal self-control; gang membership offers easy access to drugs, alcohol, and early, frequent sexual relations.

In El Salvador, as well as in Guatemala and Honduras, maras engage not only in petty theft, robbery, and inter-gang rivalries, but also independently or as foot soldier mercenaries for larger organized crime operations undertake drug-trafficking, kidnapping, contract killings, alien smuggling, trafficking in persons, smuggling of contraband goods, rape, torture, assault, and extortion. While credible sources believe that the maras continue to grow, evolve, and diversify their operations, media accounts containing lurid, salacious, and sensationalist publicity about mara behavior have exaggerated and fueled fear, misinformation, and speculation among the Salvadoran public, resulting in wide-spread support for strong-handed ("Mano Dura") policies. The U.S. Embassy in San Salvador has reported that since 2004, Mano Dura efforts have not infringed upon the human rights of gang members.

U.S. government sources indicate that the Salvadoran media has fostered misperceptions that youths in gangs are to blame for the majority of the country's crimes. The press has not devoted the same level of attention to the equally pervasive activities of organized crime syndicates and white collar criminals. Some maras have developed ties to local and region-wide organized criminal networks or have formed such networks among themselves. There are no credible reports, however, that at present maras are communicating or collaborating with Al Qaeda or other international terrorist groups.

In Salvadoran cities such as San Salvador and Santa Ana, gangs have operated virtual fiefdoms in neighborhoods, demanding that public transport workers and inhabitants pay regular protection money often called "war taxes." A number of Salvadoran asylum applicants have made claims regarding violence perpetrated against them by mareros, as well as regarding alleged abusive treatment by Salvadoran officials of current or former mara members or persons, who because of dress or physical characteristics, purportedly resemble gang members.

The gang phenomenon presents a major challenge to Salvadoran law enforcement agencies, which have limited manpower, financial resources, and technical capacity. However, the Salvadoran government does not have a policy or practice of refusing assistance to persons who receive threats or are otherwise victims of gang violence. Additionally, the U.S. Embassy in San Salvador has no information to suggest that persons have been denied assistance from police authorities in relation to complaints they have made relating to gang violence or threats from gang members. Much of the government's current focus is fostering and providing greater security for the public against gang violence. The Salvadoran government treats gang violence as a high

priority, has expended considerable sums to address the issue, and has received technical assistance from the U.S. and other countries to improve its law enforcement capabilities.

At present, a number of church groups and other civil society organizations fund or operate programs to prevent youth violence, assist at-risk youth through supporting alternative social and economic opportunities, and help mara members who seek to leave their gangs to undergo rehabilitation and reintegration into mainstream society.

While gang violence remains primarily an urban issue in El Salvador, there is increasing evidence that gangs are also responsible for much violent crime in smaller and medium-sized towns. Also, the gang phenomenon is largely a problem affecting El Salvador's predominantly mestizo population. Gang recruitment and gang operations have not impacted upon the indigenous communities to any noticeable degree. An important factor explaining the apparent minimal impact of mara recruitment and mara violence among indigenous populations is a sense of community identity and strong family ties shared among members of the ethnic group. Unlike other Central American countries, El Salvador's indigenous population is estimated at only 1% of the Salvadoran population.

Gang Recruitment and Leaving a Gang:

Joining a Gang

In general, adolescents between the ages of 13 and 20 are the prime targets for gang recruitment. However, gangs increasingly appear to favor the recruitment of children, some as young as eight or nine years old, to perform arms and drug running and to act as messengers. Children are sometimes brought into the gang structure through getting them hooked on drugs, and thereby transforming them into addicts dependent on the gang.

Studies indicate that youth in El Salvador are attracted to gangs for a variety of reasons. Gangs offer a welfare structure and protection for otherwise vulnerable young people in a violent urban environment. Gangs provide a social and substitute family network, a source of livelihood, and offer physical security for homeless and other marginalized adolescents living or working on the streets in the expansive slums of San Salvador and other urban areas.

There are a number of circumstances under which persons are recruited for gang membership. While at times there may be strong recruiting pressure, in the vast majority of cases, gang membership is overwhelmingly voluntary. The only notable exception appears to be in prisons, where incarcerated youth have been forced to become gang members for protection from other prisoners. Outside of the prison environment, however, forced recruitment is rare among male recruits. By contrast, NGOs have indicated that there could be situations in which females might be forcibly recruited, due to their intimate or other social relationships with gang members. There have been no credible examples of anyone having been drugged or otherwise duped into unwittingly joining a gang. U.S. government sources know of no credible examples of persons having

been forcibly tattooed by gang members in order to coerce them into becoming gang members, although at least one such alleged case has been publicized recently.

Whereas there have been various allegations that it is standard gang policy and practice to harass and target for recruitment observant members of evangelical Protestant and other religious groups, information from NGOs and other credible sources in El Salvador indicates that gangs generally do not forcibly recruit practicing members of Catholic or Protestant religious groups. As noted below, becoming a devout practicing member of a religious group is often considered by gangs to be one of the few acceptable routes for leaving a gang.

Female Gang Members: "Mareras"

As in Honduras and Guatemala, there are female gang members in El Salvador, but there was no information available regarding their actual numbers. Some of these women held leadership positions within gang organizations. In parts of Mara 18, women have been recruited to form separate female contingents that perform specific roles, such as agents for extortion activities of businesses. However, due to changing dynamics within and among the maras, at present there appears to be a trend to exclude women from actual gang leadership or membership, but to allow them to affiliate and participate as "collaborators." Under these newly emerging conditions, women collaborators or sympathizers operate as "war tax" collectors, as well as couriers for messages and other material from gangs on the streets to incarcerated members and through rival gang territories.

Allegations of Violence against Women and others in Gang Initiations Rites, Gang Targeting, and Gang Reprisal Activities

Gang initiation rites are a complex phenomenon and vary depending on the gang. There have been allegations that women are regularly raped by gang members as part of gang initiation rites. An initiation rite for women to join some maras may be to undergo gang rape by other members. Rape, however, is not a universally employed gang initiation rite for male or female candidates as a condition to join a gang, nor is it a required admission ticket for gang member candidates to use against innocent third parties as a means for becoming a marero. Certain mara groups reportedly forbid the raping of any women in neighborhoods under their control. Some gangs protect their female members and collaborators from rape by other members and by third parties. Gang killings of females in El Salvador appear to be most often connected with retribution acts by gang members against other gangs or persons otherwise involved with a gang, rather than a result of arbitrary killings of third parties. While rape and threats of rape or physical violence do occur, they are not universally employed methods for gang recruitment of females, nor is rape against innocent third parties a required step for candidates seeking gang admission.

The killing of police officers, on the other hand, is reportedly a common gang initiation strategy tool and a means for building status within the gang structure. Some maras have

identified police officers who live in neighborhoods under their control and have engaged in elimination of those law enforcement personnel.

There were reportedly instances in which clergy members, who aggressively sought to extricate certain individuals from gangs for rehabilitation, were assaulted or killed for these actions apparently by gang members. Over the past year there has been a reported moratorium on further incidents toward clergy engaged in gang member "rescue" activities. Past killings of some clergy members appear to have been exceptions rather than the norm, and for several years some well-known evangelical Protestant pastors have, openly in San Salvador and elsewhere, operated religious conversion programs to gang members. In general, gangs do not target persons based on religious affiliation. There have been very few reports of persons being harassed by gang members based on membership in a church organization.

Unless an individual person has a specific reason to fear gangs, that person would be no more subject to possible violence from gang members than any other person in the country. There is no information in El Salvador suggesting that gangs have singled out for attack or abuse gays or lesbians, based on their sexual orientation or life style. On the other hand, there is anecdotal evidence that some present and former gang members are gay or lesbian.

There have been allegations by some asylum applicants that gangs search throughout the country to find persons who have refused to join them and then take out reprisals against those individuals. Gangs may threaten or reportedly occasionally even assault someone who refuses offers to join the gang. In general, however, most people are able to avoid joining a gang and can continue their normal activities. While local gang members might retaliate against someone in the gang's immediate zone of activity, based on the amount of effort involved, it would be unlikely for the gang to track down a person who refused recruitment into the gang in another part of the country, unless that person had done something that threatened the gang's operations. Credible sources indicate that unless an individual were to return to the areas where the gang allegedly engaged with him or her, more likely than not, the gang would probably remain unaware that the individual had returned to the area or to El Salvador.

There is no credible information supporting assertions that individuals who decide to leave a gang would be any safer from the gang's retribution in the United States than in El Salvador. Reports suggest that if an individual has significantly offended a gang, the gang will seek out that person in Los Angeles, New York or any other location in the United States as well as in El Salvador.

Leaving a Gang

It is difficult, but not impossible, for a member to leave a gang and start a new life. Depending on the specific circumstances, gangs have permitted members to leave for the following reasons:

i) undergo a religious conversion and become a sincerely committed, practicing member of a Catholic or Protestant religious group. However, the degree of commitment and devotion to the religious belief demonstrated by the individual is the key factor for gang recognition of this as an acceptable avenue out of the gang world. Gangs reportedly consider joining a church group to be the most respected legitimate reason for leaving a gang. In recent years, thousands of mareros have become born-again Christians, and thus obtained an exit ticket from the gang life.

ii) get married or otherwise start a family with an intimate partner,

iii) become conscripted or enlist in the national military, or

iv) enroll in a substance abuse rehabilitation program.

Salvadoran gangs appear to have recognized and tolerated a category of persons who have not formally left the gang structure, but who no longer participate actively in gang operations. These persons are sometimes called *calmados* (the "calm ones"). This status may be temporary or of a more permanent nature, and is often specific to an individual in relation to his or her particular circumstances. The gang may allow some members to diminish their active participation in the gang for various reasons, including their strong religious beliefs, having a child, getting married, or being incarcerated. However, there is evidence that some gang members may now be raising their children within active gang structures.

Among those who no longer are actively involved in the gang life are some persons who have converted to evangelical Protestant or Catholic religious groups. The authenticity and genuineness of the individual's conversion and ongoing commitment to a Christian religious lifestyle is the determining factor in the gang's assessment of the legitimacy of this route to distancing oneself from active gang activity. Gangs have dealt harshly, including through killings, with individuals who have pretended to use religious conversion as a means for becoming a *calmado* or leaving a gang entirely. In general, gangs have not considered most church groups a threat and, therefore, becoming a *calmado* through sincere religious conversion does not render the individual a prospective opponent to the gang's survival. *Calmado* status acts as a face-saving mechanism for the gang and the persons who want to distance themselves from full-blown *mara* activities.

Wearing of Tattoos and Relations between Gangs and Salvadoran Law Enforcement Authorities

Among the most characteristic features identifying an individual as a *marero* are tattoos containing the "MS-13" number, or other designs and codes, which gang members imprint on their face, forearms and other conspicuous parts of their bodies to distinguish themselves from members of other gangs.

El Salvador has adopted a "Mano Dura ("strong hand") policy, which focuses on law enforcement as the primary means for dealing with the gang violence phenomenon.

Under Salvadoran law, it is illegal to be a member of a criminal association, which includes membership in a gang organization.

There is no provision in Salvadoran law making it illegal for anyone to have a body tattoo, and it is not a Salvadoran police policy to arrest or to physically abuse someone merely for wearing a body tattoo. Particular tattoos with gang identifying symbols could provide police with ample suspicion to detain the wearer for further questioning regarding gang membership or commission of other crimes under the law, but there do not appear to be any examples of individuals convicted under Salvadoran law solely for having a tattoo. Civil society groups who work with gangs as well as other sources have insisted that persons who happened to be wearing tattoos and received a conviction were convicted for crimes under Salvadoran law, and not merely for wearing a tattoo.

There are a few facilities operated by the government and civil society groups that offer tattoo removal services for gang members who desire this treatment. It is estimated that in El Salvador, approximately 200 gang members have undergone complete tattoo removal over the past three years. Some gang members may have between 20 and 40 tattoos, each of which requires four treatments for complete removal.

The U.S. Government is not working with the Government of El Salvador to identify and imprison deported Salvadoran youth immediately upon arrival in El Salvador solely for wearing body tattoos. There is no information supporting assertions that upon returning to El Salvador, persons wearing tattoos are summarily detained, beaten, or executed by Salvadoran law enforcement officials, either with or without assistance from the U.S. Government. Also it is neither a Salvadoran government policy nor practice for law enforcement authorities to target and round up suspected gang members, based on tattoos or other distinguishing features, in order to physically abuse or kill them. Upon their arrival in the country, deportees are detained only if they have an outstanding warrant in El Salvador. Due to the large number of deportations from the United States to El Salvador, often Salvadoran law enforcement officials reportedly do not even detain upon their arrival in the country persons who have an outstanding arrest warrant. Additionally, it is neither the policy nor practice of Salvadoran law enforcement authorities to decline or to refuse to protect gang members or to condone abuses by anyone against gang members.

At present, gang members represent approximately 32% of the Salvadoran prison population (4,379 of a total 13,669 prisoners). About 30% of these individuals have been sentenced with the remainder awaiting sentencing.

Extra-judicial Killings/ Social Cleansing

There have been isolated reports of killings perpetrated by vigilante groups, possibly acting on behalf of bus owners or businessmen in reprisal for gang extortion activities and killing of company employees, but there is little if any concrete evidence of the existence of such groups or their possible operations. There have been no credible reports of police engaging in extrajudicial killings of gang members. There is no

definitive information to confirm the existence of groups allegedly conducting extra-judicial killing sprees of street children or youth in the country at present. However, it is not Salvadoran government policy or practice to undertake or to permit extra-judicial killings of gang members or other individuals. While it is possible that some rogue police could have been involved in killings of gang members or collaborating in gang violence, this would violate official Salvadoran law enforcement policy. Furthermore, the Embassy has no evidence to suggest that police officials collaborate with gang members for criminal activities.

Gang Behavior: "Mutado" and Adapting to Mano Dura

The Salvadoran government's strong-hand law enforcement policy may be having a noticeable effect on gang behavior, and at least in the short term, in controlling gang violence. In some formerly gang-ridden neighborhoods of San Salvador and elsewhere, where Mano Dura has been rigorously enforced, local residents are now more able to conduct normal activities without the previous concerns regarding gang extortion and violence. However, in order to escape detection by the police, new recruits are increasingly avoiding the use of obvious face or other body tattoos. To further conceal their identities and activities, gang members are "mutating" their appearance, through wearing conventional clothing to blend in and look like the average person on the street.